

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LEWIS COUNTY, WASHINGTON**

**AN ORDINANCE OF LEWIS COUNTY, WASHINGTON)
AMENDING LEWIS COUNTY CODE TITLE 17 SETBACK) ORDINANCE NO. 1253
REGULATIONS)**

WHEREAS, Lewis County is authorized to adopt development regulations under authority of Chapter 36.70A RCW; and

WHEREAS, the Board of County Commissioners received recommendations from the Planning Commission concerning amendments to Lewis County Code Title 17 Setback Regulations; and

WHEREAS, the Lewis County Planning Commission and the Board of County Commissioners have held public meetings and hearings as required under state law and consistent with the public participation program of Lewis County, to take public testimony and consider the matter; and

WHEREAS, the proposed amendments of the development regulations do not amend the Lewis County Comprehensive Plan; and

WHEREAS, the Board of County Commissioners has reviewed the recommendations of the Planning Commission and County staff, considered testimony from the public, and finds that the proposed amendments to these development regulations are consistent with the Lewis County Comprehensive Plan and are in the best interest of the public;

NOW THEREFORE BE IT ORDAINED by the Lewis County Board of County Commissioners that:

1. Lewis County adopts and incorporates the amendments to Lewis County Code Title 17 as recommended by the Planning Commission as follows:

Chapter 17.10 DEFINITIONS

17.10.214 Setback.

“Setback” means a distance from a fixed boundary, property line, or right of way as set forth in Title 17 LCC. A front setback is measured to the street or point of access. A side setback is measured to an abutting property on the same street or access. A rear setback is the side of the structure away from the street or point of access, and is measured to the nearest property line. ~~—provided a~~ A structure may have two fronts yards. ~~but only one rear and is measured to the nearest property line.~~ [Ord. 1170B, 2000]

17.10.241 Yard, front.

“Front yard” means an open space on a lot, between the road right of way, or point of access, (front property line) and the requisite minimum front yard setback line. Where a lot lies at the corner of two or more roads, it shall have a front yard setback area extending back from each road right of way. If the exact location of the right of way is not known, it shall be assumed that the improved traveling surface of the road is in the center of the road right of way. If the width of the road right of way is not known, it shall be assumed to be the statutory 60 feet. [Ord. 1170B, 2000]

17.10.243 Yard, rear.

“Rear yard” means an open space on a lot, between the rear property line and the building closest to the rear property line. In the case of a lot with more than one road frontage ~~and consequently two rear property lines~~, the rear yard shall be deemed to be the yard abutting the shorter rear property line; the other yard shall be treated as a side yard. In cases of doubt, the Administrator shall make the determination. [Ord. 1170B, 2000]

17.10.245 Yard, side.

“Side yard” means any yard that is not a front or rear yard. ~~one of two open spaces found on a typical lot, bounded by the front yard, rear yard, the side lot line and the building closest to the side lot line.~~ [Ord. 1170B, 2000]

17.145.020 Required setbacks.

(1) Unless otherwise designated in this title or Chapter 15.15 LCC, the minimum required setbacks shall be as follows:

~~(1) Minimum setbacks~~

~~(a) Residential:~~

- ~~(i) Front 25 feet from right of way;~~
- ~~(ii) Side 10 feet from property line;~~
- ~~(iii) Rear 25 feet from property line, for structures in excess of 100 square feet;~~

~~(b) Commercial:~~

- ~~(i) Front 10 feet from right of way;~~
- ~~(ii) Side 10 feet from property line;~~
- ~~(iii) Rear 0 feet, except 25 feet from property line when abutting a residential zone;~~

~~(c) Industrial:~~

- ~~(i) Front 10 feet from right of way;~~
- ~~(ii) Side 10 feet from property line;~~
- ~~(iii) Rear 0 feet, except 50 feet when abutting a residential zone.~~

<u>Setback</u>	<u>Residential</u>	<u>Commercial</u>	<u>Industrial</u>
<u>Front</u> <u>from right-of-way</u>	<u>25</u>	<u>10</u>	<u>10</u>
<u>Side</u> <u>from property line</u>	<u>5</u>	<u>10</u>	<u>10</u>
<u>Rear</u> <u>from property line</u>	<u>15</u>	<u>0</u>	<u>0</u>
<u>Rear</u> <u>when abutting a</u> <u>residential zone</u>	<u>-</u>	<u>25</u>	<u>50</u>

(2) The Administrator may reduce the required side or rear setbacks where topography, critical areas or the lot's size and configuration impact the reasonable development of the property. An administrative reduction will be considered if:

- (a) Justification for the request is included in the application; and
- (b) The reduction will not adversely affect health and safety; and
- (c) It is demonstrated that the use of the proposed reduction cannot be reasonably accommodated elsewhere on the lot; and
- (d) If granted, the reduction would be the minimum necessary for reasonable use of the lot.

An administrative reduction will be processed in accordance with LCC 17.160.055.

(3) Additional setbacks may be required near resource lands in accordance with sections 17.30.500, 17.30.660, 17.30.810 and 17.40 of the Lewis County Code.

17.155.065 Nonconforming lots of record.

Any permitted use or structure is allowed on legal lots of record which do not meet the minimum lot size or width requirements of the zone, provided setback requirements and all other applicable requirements conform to Lewis County regulations.

Chapter 17.160

PROCEDURES FOR VARIANCES, ADMINISTRATIVE APPROVALS, ADMINISTRATIVE REDUCTIONS, SPECIAL USES, AND APPEALS

17.160.050 Administrative approval uses.

~~(3) Process.~~

~~(a) The applicant shall submit an Administrative Approval Use Checklist/Approval Form to the community development department, together with appropriate documentation of compliance with approval requirements, a filing fee, names, addresses, and stamped, addressed envelopes for all property owners within 500 feet of the external boundaries of the subject property or the nearest resident property owner adjacent to the subject property but only within 1500 feet of the project site, and at least three copies of a site plan at an appropriate scale showing locations of property boundaries; locations and sizes of structures, access, and parking areas; locations and types of water and sewer services; and locations and types of structures on adjacent properties.~~

~~(b) Upon receipt of application materials per paragraph (1) above, the community development department shall send a notice of the proposal to all owners of property as identified in LCC 17.160.050(3)(a) at least 10 days prior to the decision date. The applicant shall also post public notices of the proposal on all road frontages of the subject property so as to be visible to adjacent property owners and to passing motorists. Said notices shall be provided to the applicant by the community development department and shall remain in place for at least 10 days prior to the decision. An affidavit of posting that shall be signed and returned at least one week prior to the decision shall also be provided at the time of application. Property owners who have been thus notified of the proposal shall have a period of 10 days from the date printed on the mailed notice or 10 days from the posting of notice on the property, whichever is later, within which to submit to the community development department written request for a public hearing. Such request shall document valid grounds for holding a hearing, specifying how the proposal adversely impacts him or her. The community development department shall submit the application to the hearing examiner, who shall hold a public hearing and approve or deny the administrative approval use application. The hearing examiner shall base a decision upon compliance with the criteria established for the proposed use in the appropriate zone district, the requirement of this section, and of 17.160.030. The community development department shall approve or deny all administrative approval use applications that do not require a public hearing.~~

~~(c) If the permit is denied, the applicant shall be notified in writing. The grounds for denial and the applicant's right to appeal shall be set forth in this notification.~~

~~(d) Any party of record may appeal the decision. For purposes of administering this section, parties of record shall be defined as the applicant, the owner of the property, any person who has submitted a written response to the proposal, and any person who has testified at a required hearing. Each application for appeal of an administrative approval shall be accompanied by a fee. [Ord. 1170B, 2000]~~

(New Section) 17.160.055 Process for administrative approval and administrative reduction.

(1) The application for an Administrative Approval and Administrative Reduction shall include the application together with appropriate documentation of compliance with approval requirements.

(a) The filing fee;

(b) Stamped and addressed envelopes for all property owners within 500 feet of the external boundaries of the subject property or the nearest resident property owner adjacent to the subject property, but only within 1500 feet of the project site;

(c) Three copies of a site plan at an appropriate scale showing:

(i) Locations of property boundaries;

(ii) Locations and sizes of structures;

(iii) Access and parking areas;

(iv) Locations and types of water and sewer services; and

(v) Locations and types of structures on adjacent properties.

(2) Upon receipt of application materials ~~per paragraph (1) above~~, the community development department shall:

(a) Send a notice of the proposal to all owners of property as identified in LCC 17.160.055(1)(c) at least 10 days prior to the decision date.

(b) The applicant shall also post public notices of the proposal on all road frontages of the subject property so as to be visible to adjacent property owners and to passing motorists.

(c) Said notices shall be provided to the applicant by the community development department and shall remain in place for at least 10 days prior to the decision.

(d) An affidavit of posting that shall be signed and returned at least one week prior to the decision shall also be provided at the time of application.

(3) The community development department shall approve or deny all applications that do not require a public hearing.

(4) Property owners who have been ~~thus~~ notified of the proposal may submit to the community development department a written request for a public hearing.

- (a) The request must be submitted within 10 days from the date printed on the mailed notice or 10 days from the posting of notice on the property, whichever is later.
- (b) The request shall document valid grounds for holding a hearing, specifying how the proposal adversely impacts him or her.
- (c) The community development department will submit the application to the hearing examiner, who shall hold a public hearing and approve or deny the administrative approval application.
- (d) The hearing examiner shall base a decision upon compliance with the criteria established for the proposal -and the requirements of this section.
- (5) If the permit is denied, the applicant shall be notified in writing. The grounds for denial and the applicant's right to appeal shall be set forth in this notification.
- (6) Any party of record may appeal the decision.
 - (a) Parties of record shall be defined as the applicant, the owner of the property, any person who has submitted a written response to the proposal, and any person who has testified at a required hearing.
 - (b) Each application for appeal of an administrative approval shall be accompanied by a fee.

17.160.070 Fees.

Fees for variances, special uses, administrative approval uses, administrative reductions, and appeals shall be as set forth in the Lewis County Fee Schedule in Title [18](#) LCC. [Ord. 1170B, 2000]

(38)

2. This Ordinance amends only the referenced provisions of Title 17 Lewis County Code. All other provisions of the Lewis County Code shall remain in full force and effect.

3. If any portion of the actions taken herein is found to be invalid by a Board or Court of competent jurisdiction, the remainder of the actions shall be deemed valid and shall continue in full force and effect. Further, if such invalidated portion repeals an existing rule or regulation, the replaced rule(s) or regulation(s) shall be reinstated until modified or replaced by the County Commissioners.

4. The provisions of this Ordinance No. 1253 are in the public interest and this Ordinance shall take effect immediately upon adoption by the Board.

PASSED IN REGULAR SESSION THIS 2nd day of June 2014, after a public hearing was held June 2, 2014 pursuant to Notice published in the *East County Journal* on May 14, 2014 and the Chronicle on May 13, 2014.

APPROVED AS TO FORM:
Jonathan Meyer, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

By: Glenn Carter, Deputy Prosecuting Attorney

F. Lee Grose, Chair

ATTEST:

Edna J. Fund, Vice Chair

Karri Muir, Clerk of the Board

P.W. Schulte, Commissioner